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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

Germany

1. The Committee considered the second periodic report of Germany (E/1990/7/Add.12) concerning the rights covered by articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights at its 35th and 36th meetings, held on 30 November and 1 December 1993 and adopted* the following comments:

A. INTRODUCTION

2. The Committee expresses its appreciation to the State party for the detailed report submitted which was however only up-to-date as of 1989. The Committee also notes with regret that the State party was not able to appear before it as originally scheduled at its eighth session.

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* At the 46th meeting (ninth session), held on 8 December 1993.

3. The Committee notes that the German delegation was able to respond to many, but not all, of the written questions contained in the list of issues prepared in connection with the consideration of the report as well as to most of the oral questions raised by the Committee members during the debate. It points out, nevertheless, that more information would be necessary with regard to the effects of the recent German unification on education and the problems resulting from it.

4. The Committee takes note also of the commitment taken by the German Government to submit shortly in a "core document" general information concerning the State party.

B. POSITIVE ASPECTS

5. The Committee welcomes the efforts undertaken by the Government of Germany to implement the rights recognized in articles 13 and 15 of the Covenant.

6. The Committee welcomes, in particular, the efforts made by the Government of Germany to provide adequate general and vocational education for migrants living in Germany.

7. In addition, the Committee takes note of the measures which are being taken by the German authorities with regard to persons of German origin coming from other countries.

C. PRINCIPAL SUBJECTS OF CONCERN

8. The Committee has taken note of the comprehensive explanations provided by the German delegation concerning the conditions of employment in the public service of personnel of the former German Democratic Republic, especially teachers, and the reasons for dismissing some of them. However, the Committee points out that concerns about discrimination in employment of teachers of the new Länders have been raised by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 1993 report to the International Labour Conference. In addition, similar concerns have been raised by a non-governmental organization. The Committee recalls, in that connection, that access to and conditions of employment should be based strictly on objective criteria relating to work in accordance with the Covenant and ILO Convention No. 111: Discrimination (Employment and Occupation), 1958 and that discrimination in employment on the ground of political opinion should be explicitly prohibited under the law.

9. In addition, the Committee expresses concern over the disparity which appears to exist in Germany between men and women with regard to educational achievements and the participation of women in all levels of education and professional careers, despite the efforts made by the German authorities.

D. SUGGESTIONS AND RECOMMENDATIONS

10. The Committee recommends that positive action be taken by the German authorities to guarantee ideologiocal pluralism in education and equality of opportunities of men and women in that field in accordance with the relevant provisions of the International Covenants on Human Rights.

11. The Committee recommends also that the next periodic report of Germany relating to articles 1 to 15 of the Covenant include information on the effects of the unification of the country on education and, in particular, updated statistical data on budgetary allocations and expenditures relating to educational and cultural activities. It should also indicate whether differences exist between the cultural development and the level of education of the new Länders and the other parts of the country and, if so, what special measures have been taken in that regard. More information would also be welcome on measures adopted to ensure the development and dissemination of science and of culture, in particular, through the media. In addition, information should be provided on measures taken to facilitate the access and the participation of the elderly in educational programmes and the cultural life of the country.

12. The Committee requests that the German authorities should respect the rights of teachers, professors and other educational personnel of the former German Democratic Republic so that they may continue to exercise their professional activities and to participate to the fullest possible extent in cultural life without any discrimination.

13. The Committee urges the State party to accord the equal treatment to both of the International Human Rights Covenants in relation to human rights education in school curricula as well as mass media information and dissemination.